Bynum, 84 N. C. 24; *Bank* v. *Strother*, 28 S. C. 504, 6 S. E. 313; *Bank* v. *Hoffman*, 85 Kan. 71, 116 Pac. 239. Contra, *Heard* v. *Dubuque Co. Bank*, 8 Neb. 10, 30 Am. Rep. 811.

CONSTITUTIONAL LAW—DUE PROCESS OF LAW.—The Workmen's Compensation Law of New York (Chapter 816, Laws 1913, as reenacted and amended by Chapter 41, Laws of 1914 and amended by Chapter 316, Laws 1914) does not violate the "due process" clause of the Fourteenth Amendment. *New York Central Railroad Company* v. *Sarah White*, 37 Sup. Ct. 247.

It will be recalled that in the case of *Ives* v. *South Buffalo Ry. Co.*, 201 N. Y. 271, 94 N. E. 431, 34 L. R. A. N. S. 162, Ann. Cas. 1912B 156, the New York court had declared Article 14a (Chapter 674 of the laws of 1910), which was an insertion to the general labor law and dealt particularly with employer's liability, to be violative of the provisions in the State constitution as to due process. The court admitted that the Legislature might abolish the rule of fellow servant, assumption of risk and contributory negligence as defenses in an action for damages sustained by a workman, but denied that "a person employed in a lawful vocation, the effects of which are confined to his own premises, can be made to indemnify another for injury received in the work unless he has been in some respect at fault." For a criticism of this case, see 9 MICH. L. REV. 704. To obviate this difficulty, the State constitution was changed by the insertion of section 19 to article 1, the amendment becoming effective Jan. 1st, 1914. This section provides, inter alia, that nothing in the constitution should be construed to prohibit the payment of compensation for injuries or death to employees regardless of fault in the employer. The statute in question was passed after the adoption of the constitutional amendment and has been held by the New York Court of Appeals to be consistent with both the State and Federal constitutions. *Matter of Jensen* v. *Southern Pacific Co.*, 215 N. Y. 514. The new statute contains much the same provisions as were found in article 14a of the previous statute, which the court had found to be a deprivation of due process" under the provisions of the State constitution as it read previous to the amendment referred to above. The new statute extends the scope of the act, making it applicable to 42 groups of hazardous occupations and "by sec. 50 each employer is required to secure compensation to his employees in one of the following ways: (1) By insuring and keeping insured the payment of such compensation in the State fund; or (2) through any stock corporation or mutual association authorized to transact the business of workmen's compensation insurance in the State; or (3) by furnishing satisfactory proof to the Commission of his financial ability to pay such compensation for himself." In answer to the argument that the Act is unconstitutional in that it creates liability without fault—the employer being liable according to a fixed scale for any injury resulting in the course of employment to employee which is not the result of the latter's willful negligence or drunkenness—the court refers to certain common law instances where one may be held liable without fault, e. g. common carrier, innkeeper, one who maintains a dangerous agency on his premises is liable for damages

incurred through its escape. It is true that this regulation does materially limit the contractual liberty of both the employer and employee, but the law being desirable from an economic and sociological viewpoint, it may be said to have a close relation to the welfare of the public and therefore be a justifiable exercise of the police power. The Federal Supreme Court had previously upheld the constitutionality of a similar employer's liability law passed by Congress with reference to interstate commerce, *Mondou* v. *N. Y., N. H. & H. Ry. Co.*, 223 U. S. 1, 32 Sup. Ct. 169, 56 L. Ed. 327, 38 L. R. A. N. S. 44; and many State courts have upheld the validity of such legislation. *Opinion of Justices*, 209 Mass. 607, 69 N. E. 308; *Young* v. *Duncan*, 218 Mass. 346; *Borgnis* v. *Falk Co.*, 147 Wis. 327, 133 N. W. 209, 37 L. R. A. N. S. 489; *State ex rel. Yaple* v. *Creamer*, 85 Ohio St. 349; *Sexton* v. *Newark Dist. Tel. Co.*, 84 N. J. L. 85, 86 N. J. L. 701; *Deibekis* v. *Link-Belt Co.*, 261 Ill. 454; *Crooks* v. *Taxwell Coal Co.*, 263 Ill. 343; *Victor Chemical Works* v. *Industrial Board*, 274 Ill. 11; *Mathison* v. *Minn. St. Ry. Co.*, 126 Minn. 286; *Shade* v. *Cement Co.*, 92 Kans. 146, 93 Kans. 257; *Sayles* v. *Foley* (R. I. 1916), 96 Atl. 340; *Greene* v. *Caldwell*, 170 Ky. 571; *Middleton* v. *Texas Power & Light Co.* (Texas 1916), 185 S. W. 556. And in the case of *Hawkins* v. *Bleakly, Auditor of State*, 37 Sup. Ct. 255, decided by the Federal Supreme Court on the same day as the instant case, the Iowa Workmen's Compensation Act was held to be consistent with the 14th Amendment, the Iowa court having previously held in another case that the act was not contrary to any of the provisions of the State constitution. *Hunter* v. *Colfax Consolidated Coal Co.* (Iowa 1915), 154 N. W. 1037, 157 N. W. 145.

CONSTITUTIONAL LAW—DUE PROCESS IN WORKMEN'S COMPENSATION ACT. —The State of Washington passed a Workmen's Compensation Act (Chapter 74 of Laws of 1911) which classified the various employments according to the probability of injury to employees, and provided that the employers in each group should pay into the State treasury a certain amount towards an insurance fund, the amount to be a certain percentage of their pay roll, which percentage was based on the group in which the particular industry had been classified, the lowest being 1½% in case of textile industries and the highest being 10% in the case of powder works. "For the purpose of such payments accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class." The contributions thus exacted are the sole source of compensation for injured employees and for the dependent families of those employees who are killed in the course of their employment. *Held*, such a statute is a valid exercise of the police power and does not take property without due process of law. *Mountain Timber Co.* v. *State of Washington*, 37 Sup. Ct. 260.

All the arguments against the constitutionality of the New York Workmen's Compensation Act were also urged here. As to these, the court summarily disposed of them by a reference to its opinion that day rendered